

230982



**EPRA**

ELIIS, PAINTER RATTERRE & ADAMS LLP

JASON C. PEDIGO  
EMAIL: JPEDIGO@EPRA-LAW.COM  
DIRECT DIAL 912 231 6728  
WWW.EPRA-LAW.COM

September 20, 2011

**VIA ELECTRONIC FILING**

Cynthia T. Brown  
Chief, Section of Administration  
Office of Procedures  
Surface Transportation Board  
395 E Street, S.W.  
Washington, D.C. 20423-0001

**ENTERED  
Office of Proceedings**

**SEP 20 2011**

**Part of  
Public Record**

**Re: Docket No. NOR 42118**

Dear Ms. Brown:

Enclosed for filing in the above-referenced proceeding is Complainant Brampton Enterprises, LLC's Motion to Dismiss.

Thank you for your attention in this matter.

Very truly yours.



Jason C. Pedigo

JCP:gdt  
Enclosure  
cc: David L. Meyer, Esq. (w/encl.)

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

---

**Docket No. NOR 42118**

---

**BRAMPTON ENTERPRISES, LLC D/B/A SAVANNAH RE-LOAD**

**v.**

**NORFOLK SOUTHERN RAILWAY COMPANY**

---

**49 C.F.R. § 1111.6 NOTICE AND MOTION TO DISMISS**

Jason C. Pedigo  
Ellis Painter Ratterree & Adams LLP  
2 East Bryan Street, 10th Floor  
Post Office Box 9946  
Savannah, GA 31412

*Attorney for Brampton Enterprises*

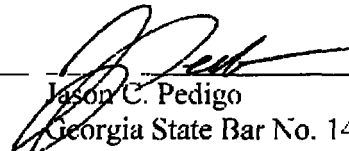
Dated: September 20, 2011

Complainant Brampton Enterprises, LLC d/b/a Savannah Re-Load ("Brampton") has reached a conditional settlement with Defendant Norfolk Southern Railway Company ("NS") on the matters at issue in this proceeding. The agreement calls for NS to take certain steps, the completion of which will satisfy Brampton's complaint pursuant to 49 C.F.R. § 1111.6 and fully release NS from Brampton's claims. To allow NS to carry out those steps, the parties have agreed that Brampton will dismiss this lawsuit without prejudice and to toll the statute of limitations during this period. Therefore, in accordance with 49 C.F.R. § 1111.6, the parties jointly request the Board dismiss Brampton's Complaint without prejudice and discontinue these proceedings.

Respectfully submitted this 20<sup>th</sup> day of September, 2011.

Ellis Painter Ratterree & Adams LLP

By: \_\_\_\_\_

  
Jason C. Pedigo  
Georgia State Bar No. 140989  
Attorney for Brampton Enterprises

2 East Bryan Street, 10th Floor  
Post Office Box 9946  
Savannah, GA 31412

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a copy of the within and foregoing upon all parties to this matter by depositing a true copy of same in the U.S. Mail, proper postage prepaid, and by email, properly addressed to the following:

David L. Meyer, Esq.  
Morrison & Foerster LLP  
2000 Pennsylvania Avenue, NW  
Suite 6000  
Washington, DC 20006

This 20<sup>th</sup> day of September, 2011.

ELLIS, PAINTER, RATTERREE & ADAMS LLP

By: \_\_\_\_\_

Jason C. Podigo  
Georgia Bar No. 140989  
Attorneys for Brampton Enterprises LLC

Post Office Box 9946  
Savannah, Georgia 31412  
(912) 233-9700  
[jpedigo@cpra-law.com](mailto:jpedigo@cpra-law.com)